

*REMARKS/ARGUMENTS**The Pending Claims*

Claims 1-21 are pending. Claims 1-17 are directed toward a polishing pad comprising a porous polymeric material, wherein the porous polymeric material has a negative Poisson's ratio. Claims 18-21 are directed toward a method of polishing with the aforementioned polishing pad. Reconsideration of the claims is respectfully requested.

Summary of the Office Action

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Reinhardt (i.e., U.S. Patent 6,095,902) in combination with Lakes (i.e., U.S. Patent 4,668,557) and Lombardo et al. (i.e., U.S. Patent Publication 2004/0248508), alone or in further combination with Sevilla et al. (i.e., U.S. Patent 6,126,532), Suzuki et al. (i.e., U.S. Patent 6,120,353), Osterheld et al. (i.e., U.S. Patent 6,241,596), and Tang (i.e., U.S. Patent 5,949,927).

Response to the Obviousness Rejections

The rejection is moot in view of the accompanying Declaration under 37 C.F.R. § 1.131 of Abaneshwar Prasad and Ronald Myers, which demonstrates that the Lombardo et al. reference is not prior art to the pending claims.

Under 37 C.F.R. § 1.131(a), the inventor of rejected subject matter may "submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based." Furthermore, 37 C.F.R. § 1.131(b) states that "[t]he showing of facts shall be such, in character and weight, as to establish ... conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained."

The effective date of Lombardo et al. is June 9, 2003. The accompanying Declaration confirms that the Applicants' conception date of the subject matter defined by the pending

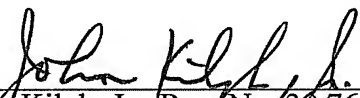
claims of the present application is prior to June 9, 2003 (see, especially, Exhibit A to the declaration). Moreover, the Declaration establishes that the Applicants were diligent from June 9, 2003 until the filing date of the present application on January 9, 2004 (see, especially, Exhibits B-L to the Declaration).

Accordingly, Applicants invented the subject matter of the pending claims of the present application prior to the effective date of Lombardo et al. As a result, Lombardo et al. is not prior art to the present application, and the rejections based on Lombardo et al. should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



John Kilyk, Jr., Reg. No. 30,763
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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